

BILL NO. G-71-09- 18

GENERAL ORDINANCE NO. G-132-71

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Darrow Avenue.

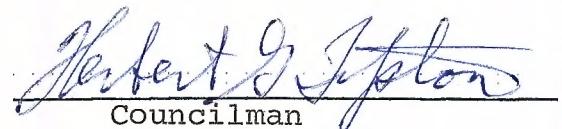
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A petition for the vacation of a public street by FORT WAYNE COMMUNITY SCHOOLS having been filed with the Fort Wayne City Plan Commission, and a resolution having been duly adopted by the Fort Wayne City Plan Commission on August 16, 1971 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Statutes, 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public Street in Fort Wayne, Allen County, Indiana, to-wit:

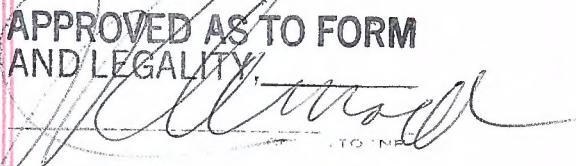
Darrow Street between the East line of Calhoun Street and the West line of Clinton Court as they now exist in the City of Fort Wayne, Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor, and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Herbert J. Pipton
Councilman

APPROVED AS TO FORM
AND LEGALITY



Read the first time in full and on motion by Tipton seconded by Robinson and duly adopted, read the second time by title and referred to the (Committee on) Regulations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 19_____, at _____ o'clock P.M., E.S.T.

Date: 9-14-71

Fred J. Bonahoom
City Clerk

Read the third time in full and on motion by Tipton seconded by Heke and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES 8, NAYS 0, ABSTAINED _____, ABSENT _____ to-wit:

Adams	_____
Dunifon	✓
Fay	✓
Geake	✓
Nuckols	✓
R. G. Smith	✓
Rousseau	✓
Steigerwald	✓
Tipton	✓

Date 12-14-71

Fred J. Bonahoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 9-132-71

on the 14th day of December, 19 71.

ATTEST: (SEAL)

Fred J. Bonahoom
City Clerk

Philip M. Keaval
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of September, 19 71 at the hour of 8:30 o'clock A.M., E.S.T.

Fred J. Bonahoom
City Clerk

Approved and signed by me this 17th day of December, 19 71, at the hour of 2:36 o'clock P.M., E.S.T.

Harold S. Zeiss
Mayor

Hold for meeting

Bill No. G-71-09-18

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a portion of Darrow Avenue,

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance do PASS.

HERBERT G. TIPTON, Chairman

JACK K. DUNIFON, Vice-Chairman

THOMAS G. ADAMS

WILLIAM K. GEAKE

DONALD J. SCHMIDT

JOHN H. ROBINSON

Herbert G. Tipton
Jack K. Dunifon
Thomas G. Adams
William K. Geake
Donald J. Schmidt

CONCURRED IN
DATE 12-14-71 EDWARD G. BONAHOO, CITY CLERK

RESOLUTION

WHEREAS, Fort Wayne Community Schools, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street and alley in Allen County, Indiana, to-wit:

Darrow Street between the East line of Calhoun Street and the West line of Clinton Court as they now exist in the City of Fort Wayne, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. § 53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on August 16, 1971, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described the same is hereby approved; and,

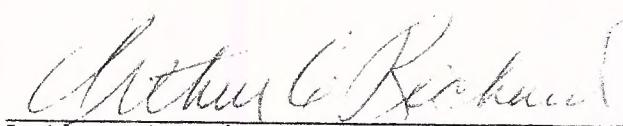
BE IT FURTHER RESOLVED that the action of the Fort Wayne

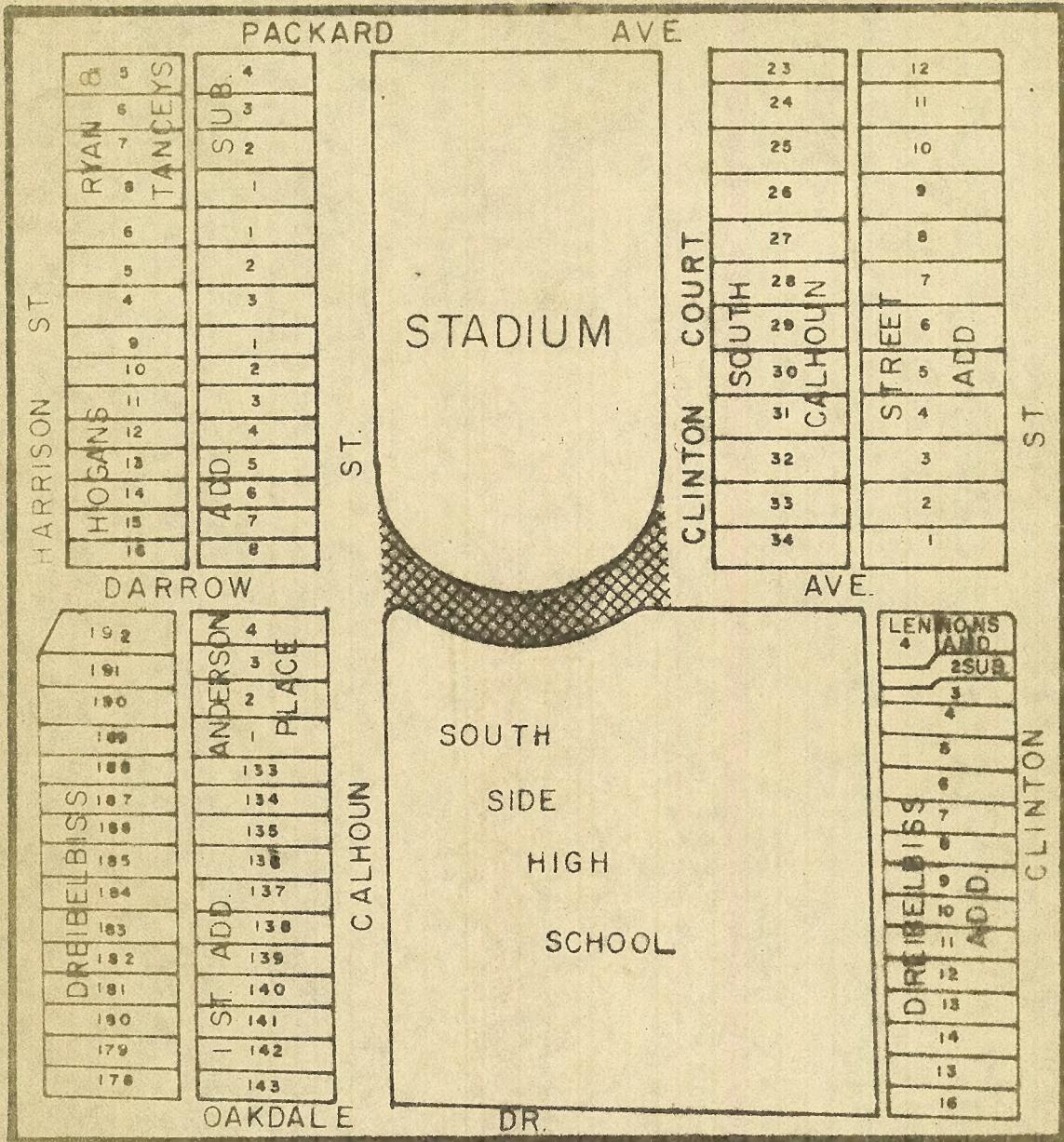
Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

STATE OF INDIANA)
)
COUNTY OF ALLEN) SS:

I, Arthur C. Richard, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on August 16, 1971, and as the same appears of record in the official records of said Plan Commission.

Dated the 16th day of August, 1971.


Arthur C. Richard
Arthur C. Richard, President
Fort Wayne City Plan Commission



STREET TO BE VACATED

City of Fort Wayne



CITY-COUNTY BUILDING
ONE MAIN STREET
Room 740

ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA 46802

December 13, 1971

The Common Council
City-County Building
Fort Wayne, Indiana

Subject: Darrow Avenue Vacation

This has reference to your inquiry regarding the retention of utility easements in connection with the vacation of Darrow Avenue between Calhoun Street and Clinton Court.

The only utilities requiring easements are the City of Fort Wayne for an existing 60" sewer and General Telephone Co. for an underground conduit.

A copy of a letter from Lavon E. Miller, Director of Buildings and Grounds for Fort Wayne Community Schools, is attached. You will note in paragraph four that they are willing to grant the necessary easements.

As a matter of information, we automatically check easement requirements on all street and alley vacations before they are processed through the Board of Public Works. If the petitioners cannot provide the necessary easements, the vacation request is not granted.

If you need further information, please contact us.

Donald E. Bodeker

Donald E. Bodeker
Office Manager

DEB:lc

cc: Mr. Lavon E. Miller
Mr. Michael O'Hara
Board of Public Works
(Board Order No. 107-71)



FORT WAYNE COMMUNITY SCHOOLS

1230 SOUTH CLINTON STREET • FORT WAYNE, INDIANA 46802

PHONE 219/742-0111 422-3575

November 30, 1971

Mr. Donald Bodecker
Civil City Engineering
City-County Building, Room 740
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Bodecker:

This memorandum is written as a follow-up of our telephone conversation today regarding the vacating of Darrow Avenue north of South Side High School, east of Calhoun Street and west of Clinton Court.

As you recall, this project has been discussed with many agencies of our municipal government for the past several years and in general has met with a nod of the head and "It should not be a problem". We have initiated several official communications regarding the Fort Wayne Community Schools' desire to close this street and allow us to unify the school site during the major rehabilitation of the school. Phase I of this rehabilitation was just completed at a cost in excess of \$2,000,000. Phase II is scheduled to be bid in early February, 1972 and is estimated to cost approximately \$2,600,000. The closing of this portion of Darrow is being included in this construction.

Initially, it appeared the official vacation would be behind us when Phase II was bid, but it's getting closer every day. We have had excellent understanding from all parties as we've discussed this in the past, but for some reason, the wheels of progress grind slow.

To clarify our position, the main reason for closing Darrow is one of safety as well as a more functional utilization of site. Since we are not contemplating any building over the present street location other than new sidewalks and fence, we would be willing to consider some form of underground utility easement as a stipulation in the official vacation. We would hope that if such access were ever necessary, that the affected area would be restored to its original condition (sidewalks, fence, grass, etc.).

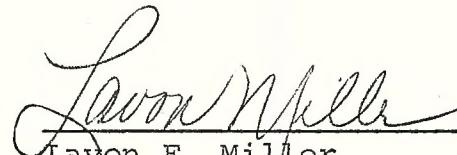
Mr. Donald Bodecker

November 30, 1971

Page 2

We sincerely appreciate the splendid cooperation you have offered the Fort Wayne Community Schools in our many dealings over the years.

Sincerely,



Lavon E. Miller
Director of Buildings
and Grounds

LEM:laj

CC: Mr. Fred Ehrman
Mr. Michael O'Hara
Dr. John Young
Mr. Robert Gillie
Mr. Jack Weicker
File

COPIES OF POSTCARD REPLIES

Regarding: The vacation of Darrow Avenue from the east property line of Calhoun Street to the west property line of Clinton Court.

We do not require an easement

We do require an easement

For existing facilities For proposed facilities

Remarks: IT IS NECESSARY THAT ACCESS TO EXISTING

CONDUIT AND MANHOLES BE MAINTAINED, AND
PETITIONER TO PAY ALL COST IF RELOCATION OF FACILITIES IS
NECESSARY.

GENERAL TELEPHONE CO. OF INDIANA

BY AAC for C E Leuenberger

Regarding: The vacation of Darrow Avenue from the east property line of Calhoun Street to the west property line of Clinton Court.

We do not require an easement

We do require an easement

For existing facilities For proposed facilities

Remarks:

INDIANA & MICHIGAN ELECTRIC CO.

BY: J. E. Hollister

Regarding: The vacation of Darrow Avenue from the east property line of Calhoun Street to the west property line of Clinton Court.

We do not require an easement

We do require an easement

For existing facilities For proposed facilities

Remarks:

NORTHERN INDIANA PUBLIC SERVICE CO.

BY Levell D. Miller
Eng. Super.

ROUTING SHEET _____ BOARD ORDER NO. 107-71

For the vacation of Darrow Avenue from the east property line of Calhoun Street to the west property line of Clinton Court.

Please indicate under REMARKS whether or not you need an easement retained.

TO Donald E. Bodeker for further handling. Remove REMARKS
Board Papers.

Donald E. Bodeker Donald E. Bodeker

TO Kenneth N. Traylor for your information and handling.

TO Ron Bonar for your information and handling.

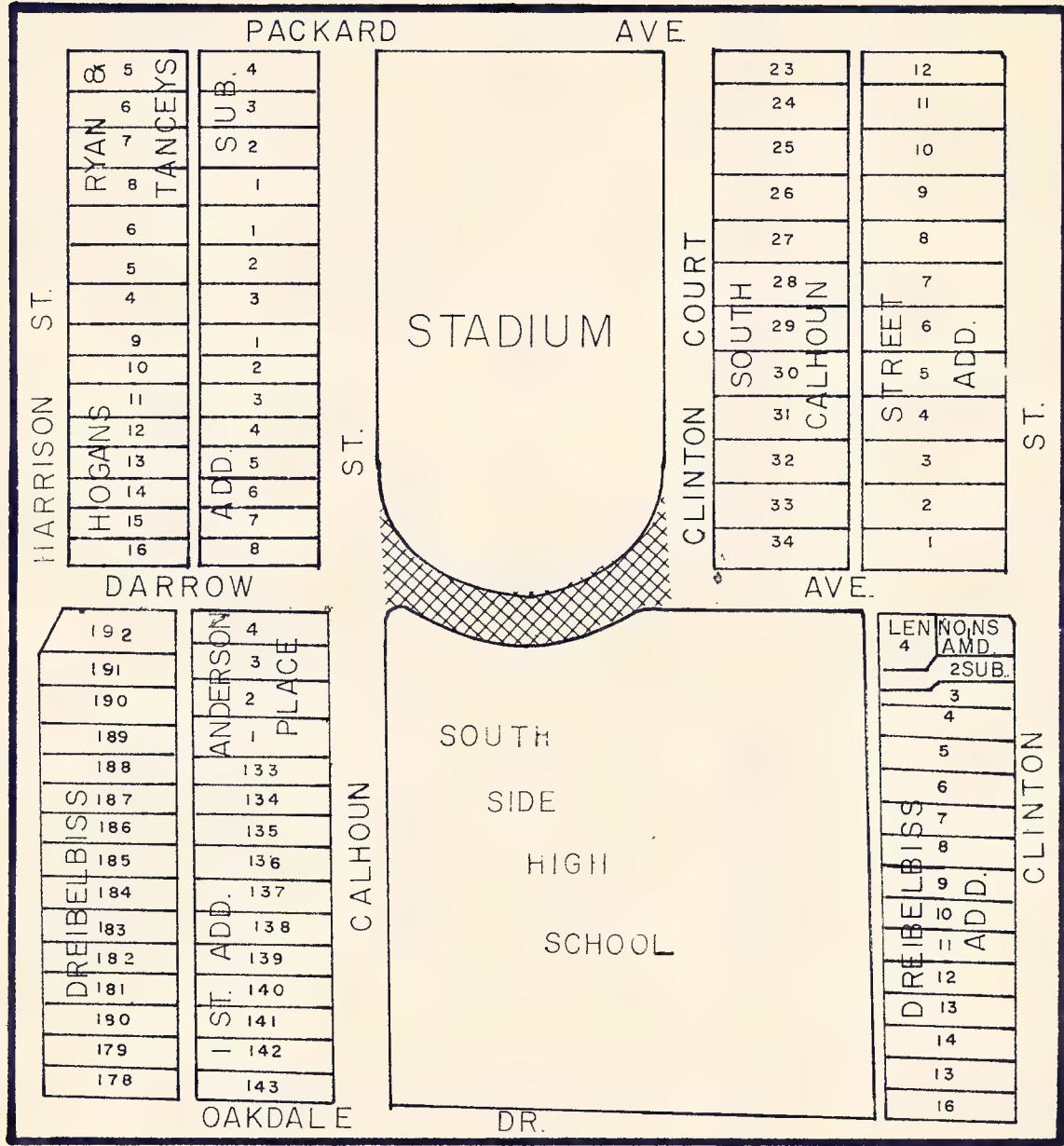
TO H. A. Kerby for your information and handling.

TO J.H. Hinman for your information and
handling.

TO Alton J. Ladd for your information and handling.

Date _____

TO Donald E. Bodeker



STREET TO BE VACATED

Common Council-City of Ft. Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

89 lines, columns wide equals equivalent lines at .28¢ \$ 25.63
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____

TOTAL AMOUNT OF CLAIM

\$ 25.63

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type $5\frac{1}{2}$ point

Number of insertions 2

Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla De Wald

Date January 5, 1972

Title CLERK

Notice is hereby given that on the 14th day of December, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following General Ordinance, to-wit:

GENERAL ORDINANCE NO. G-132-71
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vac-

cation of a portion of Darrow Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A petition for the vacation of a public street by FORT WAYNE COMMU-

NITY SCHOOLS having been filed with the Fort Wayne City Plan Commission, and a resolution having been duly adopted by the Fort Wayne City Plan Commission on Au-

gust 16, 1971 following a public hearing thereon, all in accordance with Section 44,

Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 383, of the Acts of 1963

of the General Assembly of the State of Indiana (Burns Ind. Statutes, 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97

adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public

street in Fort Wayne, Allen County, In-

diana, to-wit:

Darrow Street between the East line of Calhoun Street and the West line of Clinton Court as they now exist in the City of Fort Wayne, Allen County, In-

diana.

SECTION 2. After passage of this Ordin-

ance, approval by the Mayor, and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works

SECTION 3. This Ordinance shall be in

full force and effect from and after its pas-

sage and approval by the Mayor.

HERBERT G. TIPTON, Councilman.

Read the third time in full and on motion by Tipton seconded by Geake and duly adopted, placed on its passage. Passed by the following vote:

Ayes, eight.

Dunifon, Fay, Geake, Nuckles, Rousseau,

Schmidt, Steigerwald, Tipton.

Nays, none.

Date: 12-14-71.

FUAD G. BONAHOOM, City Clerk.

Passed and adopted by the Common Coun-

cil of the City of Fort Wayne, Indiana, as

General Ordinance No. G-132-71 on the 14th

day of December, 1971.

ATTEST:

FUAD G. BONAHOOM, City Clerk.

Phil A. Steigerwald, Presiding Officer.

Presented by me to the Mayor of the City of

Fort Wayne, Indiana, on the 15th day of

December, 1971 at the hour of 8:30 o'clock

A.M., E.S.T.

FUAD G. BONAHOOM, City Clerk.

Approved and signed by me this 17th day

of December, 1971, at the hour of 2:36

o'clock P.M., E.S.T.

HAROLD S. ZEIS, Mayor.

I, Fuad G. Bonahoom, Clerk of the City of

Fort Wayne, Indiana, do hereby certify that

the above and foregoing is a full, true, and

complete copy of General Ordinance No. G-

132-71 passed by the Common Council on the

14th day of December 1971, and that said

Ordinance was duly signed, and approved

by the Mayor on the 17th day of December,

1971 and now remains on file and on record

in my office.

WITNESS my hand, and the official seal

of the City of Fort Wayne, Indiana, this 17th

day of December, 1971.

FUAD G. BONAHOOM, City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned **ARVILLA DE WALD** who, being duly sworn, says that she is

CLERK

JOURNAL-GAZETTE

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 2, the dates of publication being as follows:

December 27, 1971

January 3, 1972

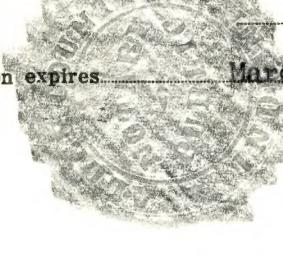
Arvilla De Wald

Subscribed and sworn to before me this 5th day of January 1972.

Edith Stapleton

Notary Public

My commission expires March 8, 1974



I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of General Ordinance No. G-132-71 passed by the Common Council on the 14th day of December 1971, and that said Ordinance was duly signed, and approved by the Mayor on the 17th day of December, 1971 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 17th day of December, 1971.

FUAD G. BONAHOOM, City Clerk

12-27-1-3.

Common Council-City of Ft. Wayne
(Governmental Unit)

Allen
County, Ind.

To.....NEWS-SENTINEL.....Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head	number of lines	—
Body	number of lines	<u>88</u>
Tail	number of lines	<u>1</u>
Total number of lines in notice		<u>89</u>

COMPUTATION OF CHARGES

89	lines,.....columns wide equals.....equivalent lines at .288¢	\$ <u>25.63</u>
cents per line		

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 25.63

DATA FOR COMPUTING COST

Width of single column 11 ems Size of type $5\frac{1}{2}$ point

Number of insertions 2 Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date **January 5, 1972**

Title Clerk

Legal Notices

Notice is hereby given that on the 14th day of December, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following General Ordinance, to-wit:

Bill No. G-71-09-18

GENERAL ORDINANCE NO. G-132-71
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a portion of Darrow Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A petition for the vacation of a public street by FORT WAYNE COMMUNITY SCHOOLS having been filed with the Fort Wayne City Plan Commission, and a resolution having been duly adopted by the Fort Wayne City Plan Commission on August 16, 1971 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Statutes, 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public Street in Fort Wayne, Allen County, Indiana, to-wit:

Darrow Street between the East line of Calhoun Street and the West line of Clinton Court as they now exist in the City of Fort Wayne, Allen County, Indiana.

SECTION 2. After passage of this Ordinance, approval by the Mayor, and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

HERBERT G. TIPTON, Councilman.

Read the third time in full and on motion by Tipton seconded by Geake and duly adopted, placed on its passage. Passed by the following vote:

Ayes, eight.

Duhifon, Fay, Geake, Nuckles, Rousseau, Schmidt, Steigerwald, Tipton.

Nays, none.

Date: 12-14-71.

FUAD G. BONAHOOM, City Clerk.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-132-71 on the 14th day of December, 1971.

ATTEST:

FUAD G. BONAHOOM, City Clerk.

Phil A. Steigerwald, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of December, 1971 at the hour of 8:30 o'clock A.M., E.S.T.

FUAD G. BONAHOOM, City Clerk.

Approved and signed by me this 17th day of December, 1971, at the hour of 2:30 o'clock P.M., E.S.T.

HAROLD S. ZEIS, Mayor.

I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of General Ordinance No. G-132-71 passed by the Common Council on the 14th day of December 1971, and that said Ordinance was duly signed, and approved by the Mayor on the 17th day of December, 1971 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 17th day of December, 1971.

FUAD G. BONAHOOM, City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned.....A. M. Hostman.....who, being duly sworn, says that She is.....Clerk.....of the NEWS-SENTINEL

a.....DAILY.....newspaper of general circulation printed and published in the English language in the city { of.....FORT WAYNE, INDIANA.....in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time{s}, the dates of publication being as follows:

December 27, 1971

January 3, 1972

A. M. Hostman

Subscribed and sworn to before me this 5th day of January 1972

Edith Stapleton

Notary Public

My commission expires.....March 8, 1974.....



